

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Uma Kant Singh et al.	Art Unit	: 2442
Serial No.	: 10/720,669	Confirmation No.	: 6260
Filed	: November 25, 2003	Examiner	: Recek, Jason D.
Title	: SYSTEM AND METHOD FOR A GENERIC MOBILE SYNCHRONIZATION FRAMEWORK		

Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

This Pre-Appeal Brief Request for Review is with regard to the non-final office action mailed November 23, 2010. Allowance is respectfully requested in view of the remarks contained herein.

In summary, the undersigned believes that the interpretations of the cited references are overly broad, and as a result, *prima facie* cases of anticipation and non-obviousness have not been met.

35 U.S.C. § 103

Claims 20-21 and 24-25 stand rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over U.S. Patent No. 6,694,336 to Multer et al. (hereinafter "Multer") in view of U.S. Patent No. 6,445,783 to Creswell et al. (hereinafter "Creswell") and U.S. Patent No. 7,415,486 to Multer et al. (hereinafter "Multer 486"). Claims 22-23 and 26-27 stand rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Multer, Creswell, Multer 486, and U.S. Patent No. 6,230,198 to Dawson et al. (hereinafter "Dawson"). These rejections are respectfully traversed.

In some implementations consistent with claim 20, a system is described to synchronize data objects associated with a primary platform with data objects of a plurality of auxiliary platforms. A set of generic messages is created by a primary platform synchronization framework, wherein the generic messages are platform-independent. The platform-independent generic messages are converted to auxiliary platform specific adapted messages. The auxiliary platform specific adapted messages are sent (from the principal platform) to corresponding auxiliary platforms. At the auxiliary platforms, the platform specific adapted messages are

converted to generic messages. The generic messages comprise add, modify, and/or delete functions. These functions are executed to synchronize the data objects used by a corresponding auxiliary platform application with the data objects associated with the primary platform.

In contrast to claim 20, Multer describes synchronization of contact information, calendar information and binary file information associated with different devices. For the synchronization, a set of programs are used to transmit and/or receive differencing data from one device to another. Each device is associated with a device engine. For example, a cellular device engine communicates and incorporates itself with application data of a cellular phone. Likewise, a PDA device engine may be based on either the Palm® operating system, Windows CE operating system, or other PDA-type operating systems. See Multer at column 10, lines 1-13. Each device engine includes an application object that is specific to a corresponding application. An application object store contains a copy of data object of a device in a universal format and obtained after previous synchronization. The application object extracts data from the corresponding application in an application format and provides the extracted data in a universal format to a differencing engine ("Delta" module "950" in Multer's FIG. 9A). The differencing engine compares the extracted data with the copy of data object of a device obtained after previous synchronization. See Multer at FIG. 9A and the associated text. The above-noted comparison is performed to obtain a change log that is a log file representing the differences between the extracted data and the copy of data object of a device after previous synchronization obtained from the application object store. The differences are noted after different transactions that occur with respect to the application. Thus, the change log describes a series of sync transactions. See Multer from column 11, line 40 to column 12, line 12.

The Examiner asserts on pages 3, 5, and 6 of the Office Action (as well as in the Advisory Action dated May 12, 2010) that content included in Multer's change log constitutes the generic messages recited in claim 20. The assertion is respectfully traversed as follows.

Claim 20 requires a platform independent generic message to be converted to a platform dependent adapted message. In contrast, Multer is completely silent about the content of the change log being even changed, much

less the content being converted to a platform dependent adapted message. Thus, Multer's content of change log is not equivalent to or fairly descriptive of the generic message recited in claim 20.

Further, claim 20 recites, inter alia, the following feature: "converting, by a primary platform synchronization adapter, the generic messages to adapted messages corresponding to each of the auxiliary platforms."

On page 5 of the Office Action, the Examiner alleges that Multer's changing (based on change log) of application objects of a device to an updated application object of the same device constitutes the converting of generic messages to platform-specific adapted messages, as recited in the aforementioned feature of claim 20. Applicants disagree in view of the following.

To begin with, the Examiner's reliance on Multer's application object of the device for the platform independent generic message is incorrect in view of the reasons that follow. Multer's application object is not a generic message as Multer's application object is dependent on an application rather than being generic. One of ordinary skill in the art understands that an application is platform dependent rather than being generic.

Further, the reliance on Multer's updated application object for the platform specific adapted message is incorrect. Since a mere update of application object does not change the platform dependence or independence of the application object, it is a logically fallacy to rely on an application object (irrespective of whether the application object is updated or not) for both platform independent generic message as well as platform specific adapted message.

In view of the points noted above, Multer's changing of application objects of a device to an updated application object of the same device cannot possibly constitute the converting of generic messages to platform-specific adapted messages, as recited in the aforementioned feature of claim 20.

Further, on page 3 of the Office Action, the Examiner relies on Multer's universal format of data (e.g. See Multer at FIG. 9A) for the generic messages recited in claim 20 and relies on Multer's application data format (e.g. See Multer at FIG. 9A) for the adapted messages. Applicants disagree for at least the reasons that follow.

As noted above, Multer's content of change log cannot possibly constitute the generic messages recited in claim 20. However, even if it is assumed *arguendo* that Multer's content of change log constitutes the generic messages, it is submitted that Multer's universal format of data is not a content of the change log. Instead, the content of change log comprises a difference of current data with universal format and previously stored data with universal format. See Multer at FIG. 9A and the associated text. It is submitted that the Examiner's assertions seem to be incoherent with other assertions, thus resulting in incorrect assertions. Further, if the Examiner is alleging that the change log also comprises universal data (as it comprises content that is difference of two sets of universal data) and the change log constitutes the generic message, Applicants respectfully traverse the assertion in view of at least the reasons noted above. For example, even if it is assumed *arguendo* that Multer's change log comprises universal data, Multer's change log is not converted to an adapted data, as required in the following feature of claim 20. On the contrary, even if it is assumed that Multer describes a conversion, Multer's universal data (shown as "Univ. Data" in Multer at FIG. 9A), rather than content of change log, is converted to application data. For example, see Multer at FIG. 9A and the associated text.

In view of the foregoing, the Examiner's varied reliance on Multer for the same subject matter recited in claim 20 has caused this reliance to lack accuracy or weight. Thus, it is incorrect to rely on Multer for the "generic message(s)" and "adapted message(s)" recited in claim 20.

In view of the foregoing, Multer fails to disclose or suggest at least the above noted feature of claim 20. Further, it is submitted that Creswell and Multer 486 fail to cure the above-noted deficiencies of Multer. Therefore, claim 20 is allowable over Multer, Creswell and Multer 486, whether taken individually or in combination, and the rejection under 35 U.S.C. § 103(a) of claim 20 should be withdrawn.

Claims 21 and 24, although of different scope, include features similar to those noted above with respect to claim 20. Therefore, claims 21 and 24, as well as claim 25, at least reason of dependency, are allowable over Multer, Creswell and Multer 486, whether taken individually or in combination, and the rejection under 35 U.S.C. § 103(a) of those claims should be withdrawn.

Claims 22 and 23 depend from claim 21, and include all the features recited therein. Claims 26 and 27 depend from claim 24 and include all the features recited therein. Further, it is submitted that Dawson fails to cure the above-noted deficiencies of Multer, Creswell and Multer 486. Therefore, claims 22, 23, 26 and 27 are allowable over Multer, Creswell and Multer 486, whether taken individually or in combination, and the rejection under 35 U.S.C. § 103(a) of those claims should be withdrawn.

35 U.S.C. § 102

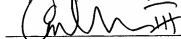
Claim 28 stands rejected under 35 U.S.C. § 102(c), as allegedly being anticipated by Multer. This rejection is respectfully traversed. Claim 28, although of different scope, includes features similar to those noted above with respect to claim 20. Therefore, claim 28 is allowable over Multer, and the rejection under 35 U.S.C. § 102(c) should be withdrawn for at least this reason.

Concluding Comments

If there are any questions regarding these filing, the Examiner and/or the Panel is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-281.

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Respectfully submitted,



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